

JS 44C/SDNY  
REV. 5/2010

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

See Rider

## DEFENDANTS

Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Cadwalader, Wickersham & Taft LLP  
One World Financial Center, NY NY 10281 (212) 504-6000

## ATTORNEYS (IF KNOWN)

Attorneys for Trustee: Baker Hostetler LLP  
45 Rockefeller Plaza, NY NY 10111 (212) 589-4200CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158: appeal from decision and order of U.S. Bankruptcy Court

Has this or a similar case been previously filed in SDNY at any time? No? ☐ Yes? ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

## ACTIONS UNDER STATUTES

	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 610 AGRICULTURE	<input checked="" type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 400 STATE
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 620 OTHER FOOD &	28 USC 158	<input type="checkbox"/> 410 REAPPORTIONMENT
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	MED MALPRACTICE	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 430 BANKS & BANKING
<input type="checkbox"/> 130 MILLER ACT	LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY	SEIZURE OF	28 USC 157	<input type="checkbox"/> 450 COMMERCE
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	PROPERTY		<input type="checkbox"/> 460 DEPORTATION
INSTRUMENT	SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL	21 USC 881	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 470 RACKETEER INFLU-
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	INJURY PRODUCT	<input type="checkbox"/> 630 LIQUOR LAWS		ENCED & CORRUPT
OVERPAYMENT &	EMPLOYERS'	LIABILITY	<input type="checkbox"/> 640 RR & TRUCK	<input type="checkbox"/> 820 COPYRIGHTS	ORGANIZATION ACT
ENFORCEMENT OF	LIABILITY		<input type="checkbox"/> 650 AIRLINE REGS	<input type="checkbox"/> 830 PATENT	(RICO)
JUDGMENT	<input type="checkbox"/> 340 MARINE	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 660 OCCUPATIONAL	<input type="checkbox"/> 840 TRADEMARK	<input type="checkbox"/> 480 CONSUMER CREDIT
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT		SAFETY/HEALTH		<input type="checkbox"/> 490 CABLE/SATELLITE TV
<input type="checkbox"/> 152 RECOVERY OF	LIABILITY	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 690 OTHER	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 810 SELECTIVE SERVICE
DEFAULTED	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 371 TRUTH IN LENDING			<input type="checkbox"/> 850 SECURITIES/
STUDENT LOANS	<input type="checkbox"/> 355 MOTOR VEHICLE	<input type="checkbox"/> 380 OTHER PERSONAL	<b>LABOR</b>	<input type="checkbox"/> 861 HIA (1395ff)	COMMODITIES/
(EXCL VETERANS)	PRODUCT LIABILITY	PROPERTY DAMAGE	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 862 BLACK LUNG (923)	EXCHANGE
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	PRODUCT LIABILITY	STANDARDS ACT	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 875 CUSTOMER
OVERPAYMENT OF	INJURY		LABOR/MGMT	<input type="checkbox"/> 864 SSID TITLE XVI	CHALLENGE
VETERAN'S BENEFITS			RELATIONS	<input type="checkbox"/> 865 RSI (405(g))	12 USC 3410
<input type="checkbox"/> 160 STOCKHOLDERS SUITS			REPORTING &	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 890 OTHER STATUTORY
<input type="checkbox"/> 190 OTHER CONTRACT	<b>ACTIONS UNDER STATUTES</b>		DISCLOSURE ACT	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or	ACTIONS
<input type="checkbox"/> 195 CONTRACT PRODUCT	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	RAILWAY LABOR ACT	Defendant)	<input type="checkbox"/> 891 AGRICULTURAL ACTS
LIABILITY			OTHER LABOR	<input type="checkbox"/> 871 IRS-THIRD PARTY	<input type="checkbox"/> 892 ECONOMIC
<input type="checkbox"/> 196 FRANCHISE			LITIGATION	26 USC 7609	STABILIZATION ACT
			EMPL RET INC		ENVIRONMENTAL
			SECURITY ACT		MATTERS
					<input type="checkbox"/> 894 ENERGY
					ALLOCATION ACT
					<input type="checkbox"/> 895 FREEDOM OF
					INFORMATION ACT
					<input type="checkbox"/> 900 APPEAL OF FEE
					DETERMINATION
					UNDER EQUAL ACCESS
					TO JUSTICE
					<input type="checkbox"/> 950 CONSTITUTIONALITY
					OF STATE STATUTES

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE Denise L. Cote DOCKET NUMBER 11-cv-05683

Check YES only if demanded in complaint  
JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[ ]	[ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ]	[ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[ ]	[ ]
CITIZEN OF ANOTHER STATE	[ ]	[ ]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ]	[ ]	FOREIGN NATION	[ ]	[ ]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Appellants: US Trust Co. UD Peter M. Lehrer, Peter M. Lehrer and Eileen Lehrer, JSBR Associates LP and the Apmont Group Inc. Pension Plan  
Cadwalader, Wickersham & Taft LLP  
c/o Martin Seidel, Esq.,  
One World Financial Center  
New York, NY 10281

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellee: Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC  
Baker & Hostetler, LLP  
45 Rockefeller Plaza  
New York, NY 10111 (NY County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION.)

DATE 09/6/11 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO  
☒ YES (DATE ADMITTED Mo. 4 Yr. 91)  
Attorney Bar Code #

RECEIPT # *Martin 2 Seidel / JLS*

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)